

ASSEMBLY BILL

No. 848

Introduced by Assembly Member Berg

February 18, 2005

An act to add Part 1.5 (commencing with Section 7000) to Division 6 of the Fish and Game Code, relating to marine conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 848, as introduced, Berg. Ocean ecosystem conservation and management.

Existing law provides for the establishment of the California Ocean Resources Enhancement and Hatchery Program for the purpose of basic and applied research on the artificial propagation, rearing, stocking, and distribution of adversely affected marine fish species that are important to sport and commercial fishing.

This bill would establish the Ocean Ecosystem Resource Information System within the Department of Fish and Game, on or before January 1, 2008, and subject to the availability of funds, for the purpose of fostering and supporting ecosystem conservation and management of the ocean waters offshore and the marine resources therein. Alternatively, the information system may be established and maintained by the Coastal Conservancy, under specified circumstances.

This bill would permit the Secretary of the Resources Agency to designate the Coastal Conservancy to assist the department in establishing and maintaining the system, or to establish and maintain the system if the secretary finds that the department lacks the capacity to establish and maintain the system. This bill would permit the department or Coastal Conservancy, whichever is applicable, to contract with specified parties for the development of the system, and

would require specified state agencies to cooperate and collaborate in the establishment, operation, and use of the system, as provided.

This bill would also permit the director of the department or the executive officer of the Coastal Conservatory, as applicable, to seek funds for the establishment of the system, and would permit the director to make recommendations to the Legislature for the funding and operation of the system. This bill would require the director of the department or the executive officer of the Coastal Conservatory, as applicable, to report to the Legislature, no later than June 30, 2008, on the progress made in the establishment and operation of the system.

This bill would also require the director of the department to establish one or more pilot sites to begin the collection of information, as provided, for purposes of initiating and testing the system, and would permit the director or the executive officer of the Coastal Conservatory, as applicable, to establish other sites for testing the system.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Part 1.5 (commencing with Section 7000) is added to Division 6 of the Fish and Game Code, to read:

PART 1.5. MARINE CONSERVATION AND
MANAGEMENT

CHAPTER 1. OCEAN ECOSYSTEM CONSERVATION AND
MANAGEMENT

7000. The Legislature finds and declares all of the following:

(a) Utilization of, and pressure on, the state's ocean resources, including fish and other living marine resources, continues to increase and will likely increase throughout the 21st century from a variety of sources including all of the following:

- (1) Population growth and development in the coastal zone.
- (2) Nonextractive recreational uses.
- (3) Commercial and recreational fishing.
- (4) Aquaculture.
- (5) Mining and mineral development and extraction.

1 (6) Renewable and nonrenewable energy production.

2 (7) Manufacture of medicines and pharmaceuticals.

3 (8) Marine transportation.

4 (9) Dredging and port infrastructure development.

5 (10) Uncontrolled pollution and runoff.

6 (b) Conservation and management of the state's ocean waters
7 require an understanding of the ocean ecosystem in order to
8 make knowledgeable decisions regarding the uses of the oceans,
9 or extractions therefrom, and their effect on other ocean uses and
10 resources.

11 (c) The United States Commission on Ocean Policy, the Pew
12 Oceans Commission, the Governor's Ocean Action Plan and the
13 President's Ocean Action Plan all call for ecosystem
14 management of our oceans.

15 (d) Ecosystem management will require development of an
16 ocean information system and products representing integration
17 of data useful to management decisions. This information
18 includes terrestrial, aquatic, oceanographic, and biological data,
19 to accomplish the following:

20 (1) Serve as a repository of existing information and new
21 research and data sets as they become available.

22 (2) Help understand relationships of ocean and ecosystem
23 functions and factors affecting oceans and their resources.

24 (3) Provide a foundation upon which to base policies and
25 decisions for conserving and managing oceans and their
26 resources.

27 (e) California has developed a successful ecosystem
28 information system for many of its north coast river basins with
29 the Klamath Resource Information System, (KRIS), which is
30 utilized by regional water quality control boards, the State Board
31 of Forestry and Fire Protection, the United States Fish and
32 Wildlife Service, and other public and private entities to guide
33 decisionmaking for the state's watersheds and watershed
34 resources, and should serve as a model for the development of a
35 resource information system for the state's ocean waters.
36 Integration of data from multiple sources covering marine and
37 aquatic systems is essential for ecosystem management.

38 (f) The waters of central and northern California are included
39 in a regional association within the national program of the
40 Integrated Ocean Observing Systems (IOOS), called the Central

1 and Northern California Ocean Observing System (CeNCOOS),
2 that will be generating oceanographic data while the State
3 Coastal Conservancy has provided a grant in excess of twenty
4 million dollars (\$20,000,000) for a California Coastal Ocean
5 Currents Monitoring Program (COCMP). Information generated
6 by related monitoring programs such as the Pacific Coast Ocean
7 Observing System (PaCOOS), the National Environmental
8 Observatory Network (NEON), and the California Cooperative
9 Fisheries Investigation (CalCOFI) will be much more useful if
10 fully integrated into products packaged for management
11 applications. Data from these offshore monitoring programs,
12 coupled with other information on ocean and aquatic ecosystems
13 will provide a basis for understanding natural and anthropogenic
14 environmental variability, including climate change and the
15 resulting impacts on living marine resources. The guiding
16 principal of an integrated ocean observing system is to create
17 data products designed by end users and immediately applicable
18 to management needs.

19 (g) The establishment of an ocean ecosystem resource
20 information system would greatly aid the department and
21 commission in the regulation and management of marine
22 fisheries, the conservation of fish and other marine life, and the
23 establishment and monitoring of marine protected areas, as well
24 as assist other state and federal agencies, academic and scientific
25 institutions, nongovernmental organizations, and the public in
26 understanding ocean ecosystems and their conservation, use, and
27 management.

28 (h) An ocean ecosystem resource information system should
29 be established within either the Department of Fish and Game or
30 the Coastal Conservancy, depending on which agency the
31 Secretary of Resources Agency finds is best suited to support the
32 requirements for ocean ecosystem management needs by state
33 agencies, including the Department of Fish and Game, the Fish
34 and Game Commission, the Coastal Conservancy, the California
35 Coastal Commission, the State Lands Commission, the State
36 Water Resources Control Board, and the California
37 Environmental Protection Agency, to foster and support
38 ecosystem management of state ocean waters and marine
39 resources.

1 7001. (a) There is established within the department, on or
2 before January 1, 2008, an Ocean Ecosystem Resource
3 Information System for the purpose of fostering and supporting
4 ecosystem conservation and management of the ocean waters
5 offshore the state and the marine resources therein. The
6 establishment of the system shall be subject to the availability of
7 funds and consistent with subdivision (b).

8 (b) The Secretary of the Resources Agency may designate the
9 Coastal Conservancy, upon approval of the Coastal Conservancy
10 board, to assist the department in establishing and maintaining
11 the Ocean Ecosystem Resource Information System, or designate
12 the Coastal Conservancy, upon approval of the Coastal
13 Conservancy board, to establish and maintain the system if the
14 secretary finds the department lacks the capability to establish
15 and maintain the system.

16 (c) (1) The Ocean Ecosystem Resource Information System
17 shall serve as an organized repository of geophysical, relevant
18 atmospheric, oceanographic, and marine biological data,
19 including genetic studies, research, data, maps, and analyses
20 necessary to the understanding of the ocean ecosystem, and from
21 which to draw information for the establishment of state policies
22 and decisions related to the conservation, use, and management
23 of the state's ocean waters and the marine resources therein.

24 (2) Nothing in this subdivision shall preclude the inclusion of
25 relevant historic or social science information that may aid in the
26 understanding of ocean ecosystems or their management.

27 (3) The system shall be readily accessible at no, or nominal,
28 cost to all state agencies, the Legislature, academic and scientific
29 institutions, and the public through the Internet, libraries, and
30 such other mediums as may be appropriate and practical.

31 (d) The department, or the Coastal Conservancy consistent
32 with subdivision (b), may contract with qualified nonprofit
33 organizations, academic institutions, or scientific institutions for
34 the development of all or part of the Ocean Ecosystem Resource
35 Information System.

36 (e) State agencies, including the department, the commission,
37 the Coastal Conservancy, the Coastal Commission, the State
38 Lands Commission, the State Water Resources Control Board,
39 and the California Environmental Protection Agency shall
40 cooperate and collaborate in the establishment, operation, and

1 use of the Ocean Ecosystem Resource Information System,
2 including, on a continuing basis, supplying to and sharing with
3 the system information, each agency may possess, that expands
4 the system information base critical to improving the knowledge
5 and understanding of ocean ecosystem functions.

6 (f) The department, or Coastal Conservancy consistent with
7 subdivision (b), may cooperate and collaborate with the Central
8 and Northern California Ocean Observing System, National
9 Marine Fisheries Service, the National Weather Service, the
10 National Ocean Service, the National Marine Sanctuaries
11 Program, the United States Fish and Wildlife Service, the United
12 States Geological Survey, the United States Coast Guard, the
13 United States Navy, the University of California, the California
14 State University, private academic and scientific institutions, and
15 fishery and marine conservation organizations in the
16 development, including the gathering of information and data,
17 and operation of the Ocean Ecosystem Resource Information
18 System.

19 (g) (1) All information, including research, published and
20 unpublished, data, and analyses for inclusion in the Ocean
21 Ecosystem Resource Information System, shall be subject to
22 independent scientific peer review.

23 (2) Nothing in this subdivision shall preclude research, data, or
24 analyses generated by federal agencies, academic or scientific
25 institutions, or fishermen's collaborative research programs, from
26 being included in the Ocean Ecosystem Resource Information
27 System, provided the information is subject to independent
28 scientific peer review.

29 (h) The director of the department, or the executive officer of
30 the Coastal Conservancy consistent with subdivision (b), may
31 seek funds for the establishment of the system from any available
32 and appropriate bond act moneys, private sources, or other
33 governmental sources. The director may make recommendations
34 to the Legislature for the funding and operation of the system.
35 The director or executive officer of the Coastal Conservancy,
36 whichever is selected by the Secretary of the Resources Agency,
37 shall report to the Legislature not later than June 30, 2008, on
38 progress made in the establishment and operation of the Ocean
39 Ecosystem Resource Information System.

1 7002. (a) For purposes of establishing an Ocean Ecosystem
2 Resource Information System pursuant to Section 7001, the
3 director shall establish one or more pilot sites to begin the
4 collection of the information necessary for ecosystem
5 management of ocean waters and marine resources for purposes
6 of initiating and testing the system.

7 (b) One pilot site shall be established for state ocean waters of
8 the Gulf of the Farallones, extending from a line drawn due west
9 of Ano Nuevo in San Mateo County to a line drawn due west of
10 Bodega Head in Sonoma County. In developing the Gulf of the
11 Farallones pilot site, the department, or the Coastal Conservancy
12 consistent with subdivision (b) of Section 7001, shall consult
13 and, to the extent practicable, coordinate with the Central and
14 Northern California Ocean Observing System, the University of
15 California Bodega Marine Laboratory, the Gulf of the Farallones
16 National Marine Sanctuary, the Cordell Bank National Marine
17 Sanctuary, the National Marine Fisheries Service, and the local
18 fishing industry.

19 (c) The director, in consultation with the commission, or the
20 executive officer of the Coastal Conservancy consistent with
21 subdivision (b) of Section 7001, may establish other pilot sites as
22 he or she finds necessary for initiating and testing the Ocean
23 Ecosystem Resource Information System, including the ocean
24 waters around and adjacent to Cape Mendocino, Monterey Bay,
25 the Santa Barbara Channel, or within the southern California
26 bight in cooperation with the southern California Coastal Ocean
27 Observing System.